

Chairman Mark M. Bodi
Commissioner Patricia T. Russell
Commissioner Richard E. Simard

Chief Eddie Edwards
Legal Assistant Nancy C. Shea

MINUTES OF THE NHSLC
BUREAU OF ENFORCEMENT & LICENSING AGENDA FOR
WEDNESDAY, JANUARY 14, 2009
PREVIOUSLY SCHEDULED FOR JANUARY 7, 2009

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, JANUARY 14, 2009:

None

4. HEARINGS SCHEDULED:

None

5. HEARINGS WITH DATES TO BE DETERMINED:

None

6. PENDING CASES:

None

THE COMMISSION HAD NO QUESTIONS ON ITEMS 1-6.

7. WARNING LETTERS/FINES:

- a. Ayotte's Market, 100 River Road, Hudson, NH.
Combination License #793347.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person during a compliance check.
Date of violation: October 17, 2008.
Case #: 08-751-OF.
Recommendation: \$500 Administrative fine and four (4) points assessed to the liquor license.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- b. Boomerang's Burgers & Pizza, 37 Henniker Street, Hillsborough, NH.
Restaurant Beverage and Liquor License #1357403.
Licensed under RSA 178:21, II,(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: September 20, 2008.
Case #: 08-673-OF.
Recommendation: \$500 Administrative fine suspended twelve (12) months pending no like violation, four (4) points assessed to the liquor license, a 3-day suspension of liquor license held in abeyance for twelve (12) months pending no like violation and mandatory attendance at a Total Education of Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for both licensees.
COMMISSION APPROVED.
- c. Penuche's Ale House, 91 Marlboro Street, Keene, NH.
Restaurant Beverage and Wine License #440103.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person.
Cited for violation of RSA 179:51 - did fail to maintain an orderly premise.
Date of violations: October 3, 2008.
Case #s: 08-723-OF and 08-720-OF.
Recommendation: \$250 Administrative fine for violation of RSA 179:51, \$1,000 Administrative fine with \$500 suspended twelve (12) months pending no like violation for either over-service or sale/service to a minor for violations of RSA 179:5, four (4) points assessed to the liquor license, and a 3-day suspension of liquor license with one (1) day held in abeyance for twelve (12) months pending no like violation for either over-service or sale/service to a minor commencing January 16, 2009 with re-grant on January 18, 2009, mandatory attendance at a Management Training Seminar (MTS) within thirty (30) days of adjudication for all managers and mandatory attendance at a Total Education of Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers.
COMMISSION APPROVED.
- d. Rockland Convenience Store, 18 Rockland Avenue, Manchester, NH.
Combination License #3208547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person.
Date of violation: August 29, 2008.
Case #: 08-635-OF.
Recommendation: Letter of Warning, four (4) points assessed to the liquor license and mandatory attendance at a Total Education of Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for the Licensee.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- e. Veterans of Foreign War, 1 VFW Way, Milford, NH.
Veterans Club License #19239.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 179:19, VI - allowed gambling and wagering on the premises.
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Date of violations: September, 2006 through February 5, 2007.
Case #: 07-168-OF.
Recommendation: Settlement reached for a \$3,000 Administrative fine suspended for twelve (12) months pending no like violation, the Licensee shall forfeit \$19,773.21 of total funds seized in the amount of \$25,876; the difference, which shall be returned to the Licensee, is comprised of funds identified in Exhibit #s 5, 10, 16, 31, 32, 34, and 36; the license to sell alcohol shall be suspended for three (3) days with two (2) days held in abeyance for twelve (12) months pending no like violation to occur on January 17, 2009; funds seized in the amount of \$19,773.21 shall be voluntarily forfeited and used by the NH State Liquor Commission, Bureau of Enforcement & Licensing for the sole purpose of education, training and/or enforcement of the laws and/or administrative rules of the State of New Hampshire; the Licensee acknowledges the above-described funds were knowingly used and/or intended for use by the Licensee in the commission of RSA 179:19, VI, Entertainment & Entertainers, specifically, allowing gambling or wagering on their premises, said activity being in violation of RSA 647:2, Gambling Offenses, and in accordance with paragraph III of said section, said funds are subject to forfeiture; and the Licensee waives the provisions set forth in RSA 595-A: 6, Seizure, Custody and Disposition of Articles; Exceptions and understands this matter will be adjudicated before the NH State Liquor Commission and the Bureau of Enforcement & Licensing forbears any criminal prosecution relative to this matter exclusively in a court of jurisdiction.
COMMISSION APPROVED.

8. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Al's Village Restaurant, 185 Central Street, Franklin, NH.
Restaurant Full Service With Lounge License #439403.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I.
Compliance Check: November 19, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- b. Alan's of Boscawen, 133 North Main Street, Boscawen, NH.
Restaurant Full Service With Lounge License #322303.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:51 - did fail to conduct the premise in an orderly manner.
Date of violation: October 11, 2008.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- c. American Legion Post 46, Tasker Hill Road, Conway, NH.
Veterans Club License #22039.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) - did fail to file the October club financial report by November 15, 2008.
Date of violation: December 1, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- d. Amoskeag Market, 275 Front Street, Manchester, NH.
Combination License #3106547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- e. Bayside Distributing, Route 125, Brentwood, NH.
Wholesale Distributor License #282420.
Licensed under RSA 178:16.
Cited for violation of RSA 179:13, I - did fail to report an account as overdue.
Date of violation: December 9, 2008.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- f. Bin 42, 42 Main Street, Littleton, NH.
Restaurant Beverage and Wine License #1315803.
Licensed under RSA 178:20.
Cited for violation of RSA 179:53 - did fail to notify the Commission of alterations to the licensed premise.
Date of violation: November 24, 2008.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- g. Cannon Mt. View Above the Notch Restaurant & Tavern,
729 Main Street, Franconia, NH.
Restaurant Full Service With Lounge License #1271203.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:20 - did allow an employee to consume alcoholic beverage while working.
Date of violation: December 5, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- h. China Star Restaurant, 299 Elm Street, Milford, NH.
Restaurant Full Service With Lounge License #1163103.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:40 - did refill bottles of legally purchased alcoholic beverage.
Date of violation: November 26, 2008.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- i. Circle K, 201 Gonic Road, Rochester, NH.
Combination License #3222547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 21, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- j. Cumberland Farms, 1 Knight Street, Rochester, NH.
Combination License #865247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 21, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- k. Dante's Pasta & Vino, 320 Calef Highway, Barrington, NH.
Restaurant Beverage and Wine License #1261403.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I.
Compliance Check: November 22, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- l. Roberts Market, 2 Hill Road, Franklin, NH.
Combination License #3182247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 19, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- m. Freetown Yankee Food Market, 58 Route 27, Raymond, NH.
Combination License #3209547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 12, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- n. Good & Plenty, 157 Route 125, Barrington, NH.
Restaurant Beverage and Wine License #990903.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I.
Compliance Check: November 22, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- o. Happy Clam Bar & Grille, 20 L Street, Hampton, NH.
Restaurant Full Service With Lounge License #1349803.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 178:22, V(q) - did fail to meet the food sales/alcohol ratio.
Date of violation: December 3, 2008.
ADMINISTRATIVE FINE \$100.00 PAID.
COMMISSION APPROVED.
- p. I & P Food Market, 204 Wilson Street, Manchester, NH.
Combination License #3174947.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- q. Klemms Mobil, 1602 Elm Street, Manchester, NH.
Combination License #3181847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- r. Lodge at Belmont, 1265 Laconia Road, Belmont, NH.
Race Track License #540524.
Licensed under RSA 178:22, V(n).
Cited for violation of RSA 179:20 - did allow an employee to consume alcoholic beverage while working.
Date of violation: November 10, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- s. Loyal Order of Moose, 209 Broad Street, Claremont, NH.
Social Club License #7801.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(3) - did fail to request a supplemental license for private functions five (5) days prior to the events.
Date of violation: November 24, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- t. Maria's & Peter's Variety, 5-7 Lawrence Road, Salem, NH.
Restaurant Beverage and Wine License #3027747.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I.
Compliance Check: November 7, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- u. Milton Mills Variety Store, 30 Main Street, Milton Mills, NH.
Combination License #3215847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 21, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- v. Mobil 18397, 2391 Brown Avenue, Manchester, NH.
Combination License #3084047.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- w. New England Pizza/Roastbeef, 195 Wakefield Street, Rochester, NH.
Restaurant Beverage and Wine License #1064003.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I.
Compliance Check: November 22, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- x. Packers Outlet, 195 Central Street, Franklin, NH.
Combination License #180547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 19, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- y. Richdale Dairy Store, 90 Bridge Street, Manchester, NH.
Combination License #3208147.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- z. Rochester House of Pizza, 105 Highland Street, Rochester, NH.
Restaurant Beverage and Wine License #1341003.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- aa. Sophia's Mediterranean Eatery, 321 Nashua Road, Milford, NH.
Restaurant Beverage and Wine License #1328203.
Licensed under RSA 178:20.
Cited for violation of RSA 178:3 - did fail to have a valid liquor license.
Cited for violation of RSA 179:35 - did fail to retain invoices/receipts for alcohol purchases for sixty (60) days on the premise.
Date of violations: October 8, 2008.
ADMINISTRATIVE FINE \$350 PAID.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- bb. Stop & Shop Supermarket, 365 Lincoln Street, Manchester, NH.
Combination License #3163247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- cc. Two Guys Food Market, 414 Union Street, Manchester, NH.
Combination License #721247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- dd. VFW Post 1698, 26 Peabody Place, Franklin, NH.
Veterans Club License #21039.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(3) - did fail to request a supplemental license for a private function.
Date of violation: November 15, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- ee. White Mountain Discount Tobacco, 201 Wakefield Street, Rochester, NH.
Combination License #3169147.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 21, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- ff. William Marconi Italian Club, 97 Wood Street, Keene, NH.
Social Club License #22101.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) - did fail to file the October, 2008 club financial report by November 15, 2008.
Date of violation: December 1, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- gg. Wilson Street Market, 78 Willow Street, Manchester, NH.
Combination License #3149247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- hh. YouYou Japanese Bistro, 150 Broad Street, Nashua, NH.
Full Service Restaurant License #1049703.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:40 - did refill bottles of legally purchased alcoholic beverage.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.

NON-CONTESTED TOBACCO FINES PAID IN FULL:

- a. New Campus Convenience, 32 Main Street, Durham, NH.
Tobacco License #8325.
Licensed under RSA 126-K:4.
Cited for violation of RSA 126-K:4 - did sell tobacco product to an underage person.
Date of violation: December 10, 2008.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.

9. NEW LICENSES:

- a. Firefly American Bistro & Bar, LLC,
22 Concord Street, Manchester, NH 03101.
To be issued Restaurant On-Premise Cocktail Lounge License #1373103 pursuant to RSA 178:22,V(q).
Recommendation: Approval.
COMMISSION APPROVED.
- b. North End Express, Inc.,
1883 Elm Street, Manchester, NH 03104.
To be issued Combination Off-Premise Beverage/Wine License #3230947 pursuant to RSA 178:18.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Waldo Pepper, Inc.,
1457 Lakeshore Road, Gilford, NH 03249.
To be issued Restaurant On-Premise Beverage/Wine License #1374003 pursuant to RSA 178:20.
Recommendation: Approval.
COMMISSION APPROVED.
- d. Yama Restaurant 2, Inc.,
To be issued Restaurant On-Premise Beverage/Wine License #1373503 pursuant to RSA 178:20.
Recommendation: Approval.
COMMISSION APPROVED.

10. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. A La Mair LLC DBA Northwest Wines to You,
845 Northeast 5th Street, Suite 300, McMinnville, OR 97128.
To be licensed under Direct Shipper License #8139733 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- b. Absolut Spirits Company LLC,
401 Park Avenue South, 6th & 7th Floors, New York, NY 10016.
To be licensed under Direct Shipper License #8139133 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Accidental Wine Company (The),
2555 East Olympic, Los Angeles, CA 90023.
To be licensed under Direct Shipper License #8139933 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- d. Amazing Food Wine Co. LLC,
795 Folsom Street, Suite 1127, 1st Floor, San Francisco, CA 94107.
To be licensed under Direct License #8140033 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- e. Atomic Imports & Export, Inc. DBA Rio's Wine & Liquors Co.,
1500 Shawsheet Street, Tewksbury, MA 01876.
To be issued Liquor/Wine Vendor Off-Premise Wine/Liquor License #993745
pursuant to RSA 178:9.
Recommendation: Approval.
COMMISSION APPROVED.
- f. Bear Commodities Corporation,
64 Susan Drive, Pelham, NH 03076.
To be issued Liquor/Wine Representative Off-Premise Wine/Liquor License
#602835 pursuant to RSA 178:10.
Recommendation: Approval.
COMMISSION APPROVED.
- g. Bergstrom Wines LLC,
18215 New Calkins Lane, Newburg, OR 97132.
To be issued Direct Shipper License #8139833 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- h. Cote D'or Imports LLC,
306 SE Ash Street, Portland, OR 97214.
To be issued Direct Shipper License #8139433 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- i. Grace Family Vineyards LLC,
1210 Rockland Road, St. Helena, CA 94574.
To be issued Direct Shipper License #8139033 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- j. Gregory Graziano DBA Domaine Saint Gregory,
1120 Bel Arbres Road, Redwood Valley, CA 95470.
To be issued Direct Shipper License #8140133 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- k. Jacob Leinenkugel Brewing Company LLC,
1 Jefferson Avenue, Chippewa Falls, WI 54729.
To be issued Beverage Vendor License #45731 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.
- l. Kostas Kapiniaris DBA Stama Winery,
12470 Locke Road, Suite 700, Lockeford, CA 95237.
To be issued Direct Shipper License #8139233 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- m. Kelsey See Canyon Vineyards, Inc.,
1945 See Canyon Road, San Luis Obispo, CA 93405.
To be issued Direct Shipper License #8140233 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- n. M & R Wine Corporation DBA Chateau de Vin,
544 Central Avenue, Cedarhurst, NY 11516.
To be issued Direct Shipper License #8139333 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- o. Muscardini Cellars LLC,
10200 Sonoma Highway, Kenwood, CA 95452.
To be issued Direct Shipper License #8138933 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- p. Park Wine Company, Inc. DBA Varner,
648 Menio Avenue, Suite 5, Menlo Park, CA 94025.
To be issued Direct Shipper License #8138833 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- q. Staglin Family Vineyard LLC,
1570 Bella Oaks Lane, Rutherford, CA 94573.
To be issued Direct Shipper License #8138633 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- r. Stonehaus Winery, Inc.,
2444 Genesis Road, Crossville, TN 38571.
To be issued Direct Shipper License #8139533 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- s. Tuck Beckstoffer Wines LLC,
7830-40 St. Helena Highway, Building A, Suite 6, Oakville, CA 94562.
To be issued Direct Shipper License #8139633 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- t. Vinfolio, Inc.,
Suite 208, 1890 Bryant Street, San Francisco, CA 94110.
To be issued Direct Shipper License #8138733 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.

11. PETITIONS FOR COMMISSION APPROVAL:

- a. Breezeway Pub, Inc.,
14 Pearl Street, Manchester, NH 03104.
Restaurant On-Premise Beverage/Wine/Liquor License #1175103.
Licensed pursuant to RSA 178:21.
Requests permission to extend the hour of service on January 1, 2009
from 1am to 2am pursuant to RSA 179:17, II(b).
Recommendation: Approval.
COMMISSION APPROVED.
- b. Breezeway Pub, Inc.,
14 Pearl Street, Manchester, NH 03104.
Restaurant On-Premise Beverage/Wine/Liquor License #1175103.
Licensed pursuant to RSA 178:21.
Requests approval for an additional lounge, to wit, an additional cocktail
lounge pursuant to RSA 178:24, RSA 179:53 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- c. BW Resort Management Company LLC DBA Bretton Arms Inn,
Route 302, Bretton Wood, NH 03575.
Hotel On-Premise Beverage/Wine License #364002.
Licensed pursuant to RSA 178:21, (b)(1).
Requests approval for authorization to transfer alcoholic products to
another licensed premise, to wit, close the current business on November 1,
2008 for the winter then transfer the alcoholic products to Mount Washington
Hotel, License #364102, Route 302, Bretton Wood, NH pursuant to
RSA 178:29, VIII.
Recommendation: Approval.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- d. Club 550, Inc.,
2025 White Mountain Highway, Conway, NH 03860.
Sports Recreation Facility On-Premise Cocktail Lounge License #2503005.
Licensed pursuant to RSA 178:22,V (v).
Requests permission to extend the hour of service on January 1, 2009
from 1am to 2am pursuant to RSA 179:17, II(b).
Recommendation: Approval.
COMMISSION APPROVED.
- e. Robert Dabrowski DBA Candia Vineyards,
702 High Street, Candia, NH 03034.
Wine Manufacturer Off-Premise Wine Only License #561430.
Licensed pursuant to RSA 178:8.
Requests approval for authorization of other areas, to wit,
Stratham Farmers Market, Stratham Municipal Center, Stratham, NH on
January 10, 2009; Licensee will provide adequate security for product
pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
WITHDRAWN BY LICENSEE.
- f. Double Diamond Café, Inc.,
563 Route 103, Sunapee, NH 03782.
Restaurant On-Premise Beverage/Wine License #1371503.
Licensed pursuant to RSA 178:20.
Requests approval for an outside area, to wit, an outside patio with seating
for 24 appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- g. Hess Mart, Inc. DBA Hess Express 29205,
543 Amherst Street, Nashua, NH 03060.
Combination Off-Premise Beverage/Wine License #3230747.
Licensed pursuant to RSA 178:18.
Requests approval to lease part of the premise, to wit, a portion of the
licensed building to Dunkin Donuts pursuant to RSA 179:48.
Recommendation: Approval.
COMMISSION APPROVED.
- h. Manhattan Conv., Inc. DBA Captain's Corner,
727 Manhattan Avenue, Nashua, NH 03062.
Combination Off-Premise Beverage/Wine License #3230847.
Licensed pursuant to RSA 178:18.
Requests approval to lease part of the premise, to wit, a portion of the
licensed building to Dunkin Donuts pursuant to RSA 179:48.
Recommendation: Approval.
COMMISSION APPROVED.
- i. Maxi Drug North, Inc., DBA Rite Aid 10282,
165 North State Street, Concord, NH 03301.
Combination Off-Premise Beverage/Wine License #3231247.
Licensed pursuant to RSA 178:18.
Requests approval to use an additional cash register, to wit, an additional
cash register to be used at a drive-up pharmacy window not for the use of
alcohol sales.
Recommendation: Approval.
COMMISSION APPROVED.
- j. Nashua Elks Lodge 720,
120 Daniel Webster Highway South, Nashua, NH 03061.
Social Club On-Premise Cocktail Lounge License #11601.
Licensed pursuant to RSA 178:22, V(h).
Requests permission to extend the hour of service on January 1, 2009
from 1am to 2am pursuant to RSA 179:17,II(b).
Recommendation: Approval.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- k. Piscassic Pond Winery LLC,
38 Oakland Road, Newfields, NH 03856.
Wine Manufacturer Off-Premise Wine Only License #560730.
Licensed pursuant to RSA 178:8.
Requests approval for authorization of other areas, to wit, Newington Farmers Market, 205 Nimble Hill Road, Newington, NH on January 10, 2009 and March 7, 2009; Licensee will provide adequate security for product pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- l. Ragamuffins LLC DBA New Boston Tavern,
35 Mont Vernon Road, New Boston, NH 03070.
Restaurant On-Premise Cocktail Lounge License #1281603.
Licensed pursuant to RSA 178:22, V(q).
Requests a waiver to RSA 179:48, IV, to wit, allow direct access from the restaurant to a private residence owned by the same entity.
Recommendation: Approval.
COMMISSION APPROVED.
- m. Claudio Rodriquez DBA Caribbean Tropical Café,
60 West Hollis Street, Nashua, NH 03060.
Restaurant On-Premise Cocktail Lounge License #1268403.
Licensed pursuant to RSA 178:22, V(q).
Requests permission to extend the hour of service on January 1, 2009 from 1am to 2am pursuant to RSA 179:17, II(b).
Recommendation: Approval.
COMMISSION APPROVED.
- n. Sawaya Enterprises, Inc. DBA Strange Brew Tavern,
88 Market Street, Manchester, NH 03101.
Restaurant On-Premise Cocktail Lounge License #1094903.
Licensed pursuant to RSA 178:22, V(q).
Requests permission to extend the hour of service on January 1, 2009 from 1am to 2am pursuant to RSA 179:17, II(b).
Recommendation: Approval.
COMMISSION APPROVED.
- o. 3BR, Inc. DBA RJ's Bar & Grill,
83 Washington Street, Dover, NH 03820.
Restaurant On-Premise Cocktail Lounge License #1320403.
Licensed pursuant to RSA 178:22, V(q).
Requests permission to extend the hour of service on January 1, 2009 from 1am to 2am pursuant to RSA 179:17, II(b).
Recommendation: Approval.
COMMISSION APPROVED.
- p. Tim's Café & Lounge LLC DBA Element Lounge,
1055 Elm Street, Manchester, NH 03101.
Restaurant On-Premise Cocktail Lounge License #1317103.
Licensed pursuant to RSA 178:22, V(q).
Requests permission to extend the hour of service on January 1, 2009 from 1am to 2am pursuant to RSA 179:17, II(b).
Recommendation: Approval.
COMMISSION APPROVED.
- q. VFW Post 4234,
Main Street, Hinsdale, NH 03451.
Veterans Club On-Premise Cocktail Lounge License #6439.
Licensed pursuant to RSA 178:22, V(h).
Requests permission to extend the hour of service on January 1, 2009 from 1am to 2am pursuant to RSA 179:17, II(b).
Recommendation: Approval.
COMMISSION APPROVED.

January 14, 2009 Enforcement Agenda

- r. Wine Thyme LLC,
2607 White Mountain Highway, Conway, NH 03818.
Restaurant On-Premise Beverage/Wine/Liquor License #1372303.
Licensed pursuant to RSA 178:21.
Requests approval for an outside area, to wit, a patio outside appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- s. Young's General Store LLC,
2792 North Main Street, Pittsburg, NH 03592.
Agency Store Off-Premise Liquor Only License #980504.
Licensed pursuant to RSA 177:9.
Requests approval for renewal of license, to wit, renewal of Agency Store Off-Premise Liquor Only License pursuant to RSA 177:9.
Recommendation: Approval.
COMMISSION APPROVED.

12. COMMISSION DECISIONS PENDING:

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #416503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: January 11, 2008.
Hearing date: February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000, four (4) points assessed to the liquor license, and the license to sell alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on May 6, 2008.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.
- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.
Restaurant Beverage and Liquor License #256803.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.
Date of violation: May 30, 2008.
Hearing date: July 22, 2008.
- d. Standing Stone Vineyards, 9934 Route 414, Hector, NY.
Direct Shipper License #8086533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 25, 2008.
Hearing date: July 22, 2008.

13. COMMISSION DECISIONS AFTER HEARING:

- a. Patricia Green Cellars, 15225 NE North Valley Road, Newberg, OR.
Direct Shipper License #8119733.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10th of the following month.
Date of violation: May 30, 2008.
Hearing date: November 25, 2008.
COMMISSION REVOKED LICENSE.
- b. Slapshots Sports Bar & Billiards, 515 D.W. Highway, Merrimack NH.
Sports Entertainment License #2504805.
Licensed under RSA 178:20, (u)(1).
Cited for violation of RSA 179:40, II - did refill bottles of legally purchased beverage or liquor.
Date of violation: September 5, 2008.
Hearing date: November 25, 2008.
COMMISSION IMPOSED A \$250 ADMINISTRATIVE FINE SUSPENDED FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION.

14. MISCELLANEOUS ITEMS:

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:
 - 1. 5 % tax on all retail sales at the winery and farmer's markets.
 - 2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?

Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.

TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.

15. MISCELLANEOUS:

- a. MacDaddy's Place, 35A Lowell Road, Hudson, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1274603.
Licensed pursuant to RSA 178:21.
Requests permission to extend the hour of service on January 1, 2009 from 1am to 2am pursuant to RSA 179:17, II(b).
Recommendation: DENIAL based on violation history and Hudson Police Department's request that this extension be denied.
COMMISSION APPROVED RECOMMENDATION DURING ITS BUSINESS MEETING OF DECEMBER 30, 2008.

January 14, 2009 Enforcement Agenda

- b. Joseph Bendzinki and Terry Bishop DBA Romy's Market,
89 Marlboro Street, Keene, NH 03431.
Combination Off-Premise Beverage/Wine License #723047.
Licensed pursuant to RSA 178:18.
Requests approval for Renewal of License, to wit, renewal of Combination
Off-Premise Beverage/Wine License; twelve (12) points have accumulated
during license year.
Recommendation: **To Be Discussed.**
TABLED FOR FURTHER DISCUSSION.
- c. Discussion concerning standard fine for violation of
RSA 179:40 - refilling bottles.

16. EXECUTIVE SESSION ITEMS: